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ADMITTED IN NEW YORK AND U.S. DISTRICT COURT

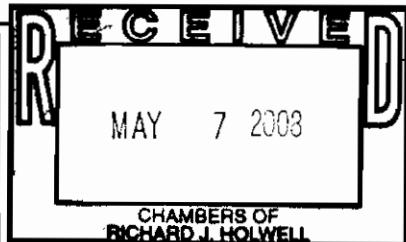
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May 7, 2008

Via Facsimile Only

The Honorable Richard J. Holwell
United States District Court
500 Pearl Street
New York, New York 10007

USDC SDNY	
DOCUMENT	
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DATE FILED: <u>5/12/08</u>	



Re: The Annuity, Welfare and Apprenticeship Skill Improvement & Safety Funds of I.U.O.E. Local 15 v. J & A Concrete Corp.
Civil Case No. ~~07 CV 10696~~ (RJH)
08 CV 3377

Dear Judge Holwell:

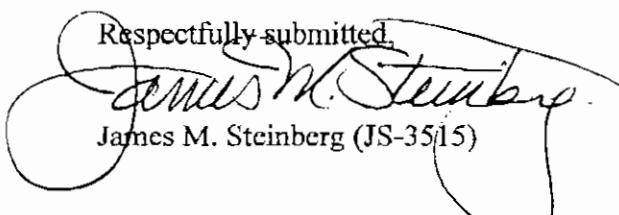
Our office represents the Plaintiffs in the above-captioned matter which is currently scheduled for an initial conference on Friday, May 16, 2008 at 10:30 a.m. This is an action commenced under the Employee Retirement Income Security Act of 1974 to compel Defendant J & A Concrete Corp. to: (1) make certain payroll records available for an audit and (2) satisfy any scheduled deficiency. Upon being served with the Summons and Complaint, we were contacted by the Defendant's general counsel, Jack Martins, and we are pleased to advise Your Honor that an appointment has been scheduled for May 20, 2008 between the Defendant and the auditor so that these records can be reviewed and a report issued identifying any discovered deficiency.

In that the parties are working towards an amicable resolution of this matter, we have submitted the attached Stipulation Extending Defendant's Time to Answer to the Court's Orders & Judgment Clerk so that it may be presented to Your Honor to be so ordered. Both parties believe that the additional thirty (30) days provided for by this stipulation will afford us ample time to fully resolve this matter.

Finally, as a result of the progress made to date, we respectfully request that the initial conference scheduled for May 16, 2008 be rescheduled for Friday, June 13, 2008 at 10:30 a.m. *if* Opposing counsel joins in this request and no previous request for this relief has been made.

Thank you for your attention to this matter.

Respectfully submitted,


James M. Steinberg (JS-3515)

Enc.

Cc: Jack Martins, Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE ANNUITY, WELFARE, APPRENTICESHIP SKILL
IMPROVEMENT & SAFETY FUNDS of the
INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 15, 15A, 15C and 15D, AFL-CIO, by its TRUSTEES
JAMES T. CALLAHAN, ROBERT SHAW, RUSSELL
SHAW and CHRISTOPHER WARD, and JOHN and JANE DOE,
as Beneficiaries of the ANNUITY, WELFARE and
APPRENTICESHIP SKILL IMPROVEMENT & SAFETY
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 15, 15A, 15C and 15D, AFL-CIO,

STIPULATION
EXTENDING TIME TO
ANSWER COMPLAINT

07 CIV 10696 (DLC)
08 Civ. 3377 (RJH)

Plaintiffs.

-against-

J & A CONCRETE CORP.,

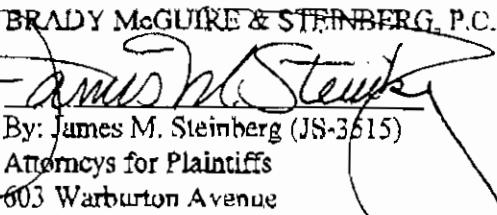
Defendant

X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorney
of record for the Plaintiffs and Defendant in the above-captioned matter, that the time for Defendant J &
A CONCRETE CORP. to answer the Complaint in the above-captioned action is extended up to and
including June 2, 2008. Said Defendant waives any defense based upon the lack of personal jurisdiction.

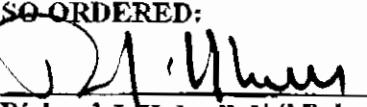
Dated: Hastings-on-Hudson, New York
May 1, 2008

BRADY MCGUIRE & STEINBERG, P.C.


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By: JACK MARKEL (JM-1624)
Attorney for Defendant
1676 Washington Avenue
Bohemia, New York 11716
(631) 567-5959

SO ORDERED:


Richard J. Holwell, U.S.D.J.

5/12/08

*Initial conference adjourned
to June 13, 2008 at 10:30 a.m.*